

REMARKS

I. Claim Status

Upon entry of this Amendment, claims 1-3 and 16-18 are pending.

Claims 1-3 are allowed.

Claims 4-15 have been cancelled without prejudice or disclaimer. Applicants specifically reserve the right to pursue the subject matter of all cancelled claims in one or more continuation and/or divisional application, as appropriate.

Claim 16 has been amended to delete, without prejudice or disclaimer, the terms "inflammatory disease" and "rheumatoid arthritis."

Claim 17 has been withdrawn by the Examiner as being directed to non-elected subject matter.

New claim 18 has been added. Support for claim 18 can be found in the original specification as published (US 2007/0142539) at p. 10, Test Example 2, paragraph [0013]. Claim 18 has been withdrawn as having non-elected subject matter. Thus, no new matter has been added.

All amendments herein are made without prejudice or disclaimer as to all deleted subject matter. Applicants specifically reserve the right to pursue all deleted subject matter in one or more divisional and/or continuation application.

II. Allowable Subject Matter

Applicants thank the Examiner for the acknowledging that claims 1 – 3 are allowed.

In addition, the Examiner has objected to claim 16 as containing non-elected subject matter. According to the Examiner, this rejection can be overcome by limiting claim 16 to a method of treating the recited cancers. In response, Applicants have amended claim 16 to delete the terms “inflammatory disease” and “rheumatoid arthritis.” Claim 16 as amended is directed to a “method for treating a cancer chosen from the group consisting of lung, prostate, pancreas and fibrosarcoma” Accordingly, this objection should be withdrawn.

III. Rejoinder

Applicants respectfully request rejoinder of claims 17 and 18 given that they are directed to methods of treatment using the allowable pharmaceutical compositions. Applicants had traversed the original restriction for just such a rejoinder.

Amendment dated March 10, 2009

Reply to Non-Final Office Action of September 10, 2008

IV. Conclusion

In view of the foregoing amendments and remarks, applicant believes the pending application is in condition for allowance, and earnestly solicits same.

If the Examiner believes that any remaining issues could be resolved through the filing of a Supplemental Amendment or an Examiner's Amendment, the Examiner is respectfully invited to contact the undersigned at the telephone number indicated below.

Dated: March 10, 2009

Respectfully submitted,

By 

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